

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

20-cr-470 (PKC)

-against-

ORDER

KENNETH WYNDER and ANDREW
BROWN,

Defendants.

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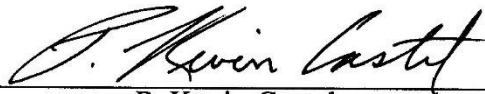
CASTEL, U.S.D.J.:

Parties are entitled to rely on a set trial date for securing the attendance of witnesses and general trial preparation. Similarly, the Court is entitled to rely on a set trial date for its own scheduling requirements and for securing a proper number of jurors. Yet the Court must be open to a needed continuance when the interests of justice so require. This is especially true in the case of the government's failure to make timely production to a defendant charged with a crime.

The Court has carefully reviewed the parties' submissions, including the government's June 21 response to the Court's inquiry. The Court is persuaded that the late production of Rule 16 material works no substantial hardship or prejudice to either defendant. The government's explanation is plausible, though highly regrettable, and does not bespeak of bad faith. The quantity of new material is in actuality much less than suggested by the defendants' initial reports. Insofar as the Court can ascertain, defendants' skilled trial counsel will be able to prepare and perform effectively at trial. If allowances are needed in the course of trial, the Court will consider them as they arise.

Application for an adjournment of the July 13, 2022 trial is DENIED.

SO ORDERED.



P. Kevin Castel
United States District Judge

Dated: New York, New York
June 22, 2022